

1 JOHN C. CRUDEN  
2 Acting Assistant Attorney General  
Environment & Natural Resources Division

3 ROCHELLE L. RUSSELL (Cal. Bar No. 244992)  
4 Trial Attorney  
U.S. Department of Justice  
5 Environment & Natural Resources Division  
301 Howard Street, Suite 1050  
San Francisco, CA 94150  
6 Tel: (415) 744-6566  
Fax: (415) 744-6476  
7 Email: rochelle.russell@usdoj.gov  
*Attorney for Defendants*

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10 UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
12 OAKLAND DIVISION

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13 ASSOCIATION OF IRRITATED ) Case No. 08-cv-05650 CW  
14 RESIDENTS, an unincorporated association, )  
15 Plaintiff, )  
16 v. )  
17 UNITED STATES ENVIRONMENTAL )  
PROTECTION AGENCY, LISA P. )  
18 JACKSON, in her official capacity as )  
Administrator of the United States )  
19 Environmental Protection Agency, and )  
WAYNE NASTRI, in his official capacity as )  
Regional Administrator for Region IX of the )  
United States Environmental Protection )  
Agency, <sup>1/</sup>)  
21 Defendants.)  
22 )  
23 )

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)  
STIPULATION TO STAY THE  
CASE PENDING PUBLIC  
COMMENT ON THE PROPOSED  
CONSENT DECREE

)  
AND  
ORDER THEREON AS MODIFIED

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26 <sup>1/</sup> Stephen L. Johnson was previously named as the lead defendant in this case in his  
official capacity as Administrator of the United States Environmental Protection Agency.  
27 Pursuant to Fed. R. Civ. P. 25(d), his successor, Lisa P. Jackson, is automatically substituted.  
28 Defendant Wayne Nastri no longer holds the position of Regional Administrator for Region IX  
of the United States Environmental Protection Agency; his successor, however, has not yet been  
chosen, and he therefore remains a named defendant in this action.

1        WHEREAS, on December 18, 2008, Plaintiff Association of Irritated Residents filed the  
2 above-captioned matter against the United States Environmental Protection Agency (“EPA”),  
3 alleging that EPA has failed to undertake certain nondiscretionary duties under the Clean Air  
4 Act, 42 U.S.C. §§ 7401-7671q, and that such alleged failures are actionable under section  
5 304(a)(2) of the Clean Air Act, 42 U.S.C. § 7604(a)(2);

6        WHEREAS, on May 29, 2009, EPA lodged a proposed Consent Decree with the Court,  
7 which would fully resolve the claims alleged against EPA in Plaintiff’s complaint;

8        WHEREAS, before the proposed Consent Decree can be entered by the Court, EPA must  
9 provide notice of the Consent Decree in the Federal Register and an opportunity for public  
10 comment pursuant to section 113(g) of the Clean Air Act, 42 U.S.C. § 7413(g);

11      WHEREAS, the EPA Administrator will promptly consider any written comments  
12 received on the proposed Consent Decree and, if none of the comments disclose facts or  
13 considerations which indicate that the Decree is inappropriate, improper, inadequate, or  
14 inconsistent with the requirements of the Clean Air Act, EPA will move for the Court’s entry of  
15 the Consent Decree;

16      NOW THEREFORE, pursuant to Local Rules 6-2 and 7-12, the parties, by and through  
17 their undersigned counsel, hereby stipulate to stay the case pending EPA’s consideration of  
18 public comments on the proposed Consent Decree. The stay shall remain in effect until EPA  
19 either moves for entry of the Consent Decree, or thirty days after the close of the public  
20 comment period as noticed in the Federal Register pursuant to section 113(g) of the Clean Air  
21 Act, 42 U.S.C. § 7413(g), whichever is earlier.

22      **COUNSEL FOR PLAINTIFF:**

23      Dated: June 2, 2009

/s/ Brent Newell (with permission)

BRENT NEWELL

MARYBELLE NZEGWU

Center On Race, Poverty & the Environment

47 Kearney Street, Suite 804

San Francisco, CA 94108

Phone: (415) 346-4179

Email: bnewell@crpe-ej.org

Email: mnzegwu@crpe-ej.org

*Counsel for Plaintiff Association of Irritated Residents*

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2 **COUNSEL FOR DEFENDANTS:**

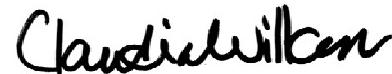
3 Dated: June 2, 2009

JOHN C. CRUDEN  
Acting Assistant Attorney General  
Environment & Natural Resources Division

5 /s/ Rochelle L. Russell  
6 ROCHELLE L. RUSSELL  
7 Attorney, Environmental Defense Section  
U.S. Department of Justice  
301 Howard Street, Suite 1050  
San Francisco, CA 94150  
Tel: (415) 744-6566  
Fax: (415) 744-6476  
Email: rochelle.russell@usdoj.gov  
10 Attorney for Defendants

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12 **PURSUANT TO STIPULATION, IT IS SO ORDERED. THE CASE MANAGEMENT**  
13 **CONFERENCE IS CONTINUED FROM 6/30/09 TO 9/15/09 AT 2:00 P.M.**

14 Dated: \_\_\_\_\_ 6/10/09



15 CLAUDIA WILKEN  
16 UNITED STATES DISTRICT JUDGE  
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**CERTIFICATE OF SERVICE**

I certify that on June 2, 2009, a true and correct copy of the foregoing **STIPULATION TO STAY THE CASE PENDING PUBLIC COMMENT ON THE PROPOSED CONSENT DECREE** was served electronically via the Court's e-filing system to Counsel of Record.

/s/ Rochelle L. Russell  
**ROCHELLE L. RUSSELL**